

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHACUBE YOUNG,

Plaintiff,

v.

PHILADELPHIA POLICE DEPT. and
PHILADELPHIA COUNTY,

Defendants.

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CIVIL ACTION NO. 19-5340

ORDER

AND NOW, this 23rd day of January, 2020, after considering the amended complaint filed by the *pro se* plaintiff, Shacube Young (“Young”) (Doc. No. 9); and for the reasons stated in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The amended complaint (Doc. No. 9) is **DISMISSED** for the failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Young’s claims against the Philadelphia Police Department are **DISMISSED WITH PREJUDICE** and his claims against the City of Philadelphia (identified as “Philadelphia County”) are **DISMISSED WITHOUT PREJUDICE** to Young filing a second amended complaint;

2. Young may file a second amended complaint within thirty (30) days of the date of this order. Any second amended complaint **shall not** name the Philadelphia Police Department as a defendant, because the court has dismissed that defendant with prejudice. Any second amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Young’s claims against each defendant. The second amended complaint shall be a complete document that does not rely on the initial complaint or the amended complaint to state a claim. When drafting his

second amended complaint, Young should be mindful of the court's reasons for dismissing his claims in his amended complaint as explained in the court's separately filed memorandum opinion.¹ Upon the filing of a second amended complaint, the clerk of court shall not make service until so ordered by this court;

3. The clerk of court is **DIRECTED** to send Young a blank copy of the court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Young may use this form to file his second amended complaint if he chooses to do so; and

4. If Young fails to file a second amended complaint in accordance with this order, the court may dismiss this case without further notice for the failure to prosecute.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.

¹ Young should also be mindful of the court's reasons for dismissing his original complaint, as explained in the court's November 25, 2019 memorandum opinion.